

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ZIPHAIRE W. PETERS,

Plaintiff,

– *against* –

CORRECTION OFFICER JOHN DOE,

Defendant.

ORDER

21-cv-5527 (ER)

RAMOS, D.J.:

Ziphaire W. Peters, proceeding *pro se*, filed this action on June 23, 2021. Doc. 2. On May 18, 2022, the Court dismissed the complaint as to three individual defendants: Tinesha Mills, the Warden at the Anna M. Kross Center; Assistant Deputy Warden Santiago; and Cynthia Brann, former Commissioner of the New York City Department of Correction. Doc. 22.

On November 29, 2022, the Court directed Peters to respond to the New York City Law Department’s Identification Interrogatories, to help identify the sole John Doe defendant, within 60 days. Doc. 30. Peters failed to do so. And on July 17, 2023, the City informed the Court that Peters failed to respond to its correspondence from July 2022, September 2022, October 2022, and November 2022. Doc. 32. In other words, Peters has failed to litigate his case for at least one year.

By Tuesday, August 1, 2023, Peters is directed to respond to the Law Department’s Identification Interrogatories. Failure to do so will result in dismissal for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). Peters is advised that his lengthy failure to comply with the Court’s orders provides ample grounds to dismiss this action. *See LeSane v. Hall’s Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (explaining that Rule 41(b) “gives the district court

authority to dismiss a plaintiff's case *sua sponte* for failure to prosecute" and noting that the plaintiff's continuous failures weigh in favor of dismissal).

It is SO ORDERED.

Dated: July 18, 2023

New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is positioned above a horizontal line.

EDGARDO RAMOS, U.S.D.J.